

REMARKS

Claims 1-30 are currently pending in the present application, with Claims 27-30 being added. Reconsideration and reexamination of the rejected claims are respectfully requested.

The Examiner rejected Claims 1-4, 12, 14-17, and 25 under 35 U.S.C. § 112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. More specifically, the Examiner indicated that the specification does not suggest or describe a slit having a tapered surface extending all the way to the bottom of the slit. This rejection is respectfully traversed.

Contrary to the Examiner's statement, the specification explicitly describes a slit having tapered surface extending all the way to the bottom of the list. More specifically, Claims 1 and 14 recite that the inner surface of each slit shall have a depth "not less than 1/4 of the thickness of the baffle plate." This language is directly supported by the specification at page 4, lines 9-12. The specification thus specifically includes within its scope any slits having tapered surface from 1/4 of the thickness to the entire thickness. The enablement (i.e., how to make and use) for any slits in this language is exactly as the example shows in Figs. 4C and 5 of the present application.

The Examiner rejected Claims 1, 2, 5, 6, 10-15, 18, 19, and 23-26 under 35 U.S.C. § 112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. More specifically, the Examiner indicated that the specification does not suggest or describe slits being arranged in a non-radial direction such as being on a circle surrounding a substrate. This rejection is respectfully traversed.

Applicants respectfully disagree with the Examiner's assertion that the specification provides enablement for orienting the slits in a radial fashion, but somehow at the same time does not enable orienting the slits in any other directions, such as circular directions. It appears that the Examiner may be confusing the enablement requirement with the written description requirement. Although the drawings only show and specifically describe the slits arranged in a radial direction, there is nothing in the specification that indicate that the invention is limited to

such a specific configuration. It is improper for the Examiner to require the claims to be limited to a specific embodiment. Indeed, in In re Peters, the Federal Circuit ruled against such rejections in stating: "The board's rejection under § 112 and § 251 erroneously confined Peters to the specific embodiment disclosed in the original patent. . . . [T]hat a claim may be broader than the specific embodiment disclosed in a specification is in itself of no moment. . . . The broadened claims merely omit an unnecessary limitation that had restricted one element of the invention to the exact and non-critical shape disclosed in the original patent." 723 F.2d 891 (Fed. Cir. 1983).

The Examiner rejected Claims 1-26 under 35 U.S.C. § 112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. More specifically, the Examiner indicated that the specification does not provide enablement for the slits being tapered on only one side. This rejection is respectfully traversed.

Although Figs. 4A and 4C show the slits having tapered surface 132 on two opposite sides of the slits, the figures show only a preferred embodiment. The specification does not contain any discussion requiring the slits to be tapered on both sides. More importantly, with respect to enablement, there is no reason why one skilled in the art would be enabled to make the slits having two tapered surface, but not slits having only one tapered surface, considering that the similarity of technique for making tapered surface on one or two sides. Accordingly, Applicants respectfully submit that the specification is clearly commensurate the scope of the claims.

The Examiner rejected Claims 1-26 under 35 U.S.C. § 112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. More specifically, the Examiner indicated that the specification does not provide enablement for the tapered angle being defined between the tapered surface and the perpendicular axis facing the exhaust passage, or that the tapered surface widens towards the exhaust passage. This rejection is respectfully traversed.

The Examiner's rejection with respect to Claims 1-4, 12, 14-17, and 25 is simply irrelevant as the claims do not claim the tapered surfaces of the slits widening toward the exhaust passage; rather the claims clearly recite that the tapered surfaces widen towards the process chamber.

With respect to Claims 5-11, 13, 18-24, and 26, Applicants have amended the claims recites openings facing both the exhaust passage as well as the process chamber, whereby the opening facing the exhaust passage is recited as being substantially perpendicular to the surface of the baffle plate, and whereby the opening facing the process chamber widens towards the process chamber.

The Examiner rejected Claims 5-7, 10, 11, 13, 18-20, 23, 24, 26 under 35 U.S.C. § 112, first paragraph, as not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. More specifically, the Examiner indicated that the specification does not reasonably provide enablement for the tapered angle widening toward the exhaust passage. This rejection is respectfully traversed.

Again, Claims 5-7, 10, 11, 13, 18-20, 23, 24, 26 recite slits having openings facing both the exhaust passage as well as the process chamber, with the opening facing the exhaust chamber having substantially perpendicular sides. The Examiner's rejection is simply inapplicable in this instance.

The Examiner rejected Claims 12, 13, 25, and 26 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. More specifically, the Examiner indicated that the specification does not contain any disclosure of each slit opening having a smooth surface. This rejection is respectfully traversed.

Figs. 4C and 5 of the specification clearly shows the tapered surfaces being smooth and provides clear support for Claims 12, 13, 25, and 26. It is well settled that drawings of a specification are considered as a part of the specification. See, e.g., In re Kaslow, 707 F.2d 1366 (Fed. Cir. 1983) ("The content of the drawings may also be considered in determining

compliance with the written description requirement.”). Accordingly, the Examiner’s rejection is wholly improper in view of the smooth slope shown in the drawings.

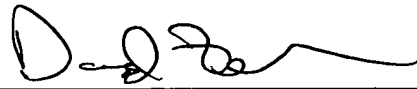
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made**”.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 28503.20058.00.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 5 and 18 have been amended in the following manner:

5. (Thrice amended) A process apparatus including an airtight process vessel, an exhaust system for exhausting gas from the process vessel, and a baffle plate for partitioning the process vessel into a process chamber for processing an object and an exhaust passage communicating with the exhaust system,

wherein the baffle plate includes a plurality of slits through which the process chamber and the exhaust passage communicate with each other,

wherein each slit includes an exhaust-passage opening facing the exhaust passage and a process-chamber opening facing the process chamber,

wherein at least one side of said process-chamber opening includes a sloped inner surface at least along the slit length, said sloped inner surface of the process-chamber opening formed not more than 1/2 of the thickness of the baffle plate and widens towards the process-chamber opening, and

wherein at least one side of said exhaust-passage opening includes an inner surface that is substantially perpendicular to the surface of the baffle plate, said inner surface of the exhaust-passage opening formed not more than 1/2 of the thickness of the baffle plate.

18. (Amended) A baffle plate for partitioning a process vessel into a process chamber for processing an object and an exhaust passage communicating with the exhaust system, said baffle plate including a plurality of slits through which the process chamber and the exhaust passage communicate with each other,

wherein each slit includes an exhaust-passage opening facing the exhaust passage and a process-chamber opening facing the process chamber,

wherein at least one side of said process-chamber opening includes a sloped inner surface at least along the slit length, said sloped inner surface of the process-chamber opening formed not more than 1/2 of the thickness of the baffle plate and widens towards the process-chamber opening, and

wherein at least one side of said exhaust-passage opening includes an inner surface that is substantially perpendicular to the surface of the baffle plate, said inner surface of the exhaust-passage opening formed not more than 1/2 of the thickness of the baffle plate.